

Executive Summary – Enforcement Matter – Case No. 45336

Greif Packaging LLC

RN102079662

Docket No. 2012-2201-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Greif Industrial Houston Specialty Facility, 10700 Strang Road, La Porte, Harris County

Type of Operation:

Steel drum manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 22, 2013

Comments Received: No

Penalty Information

Total Penalty Assessed: \$18,600

Amount Deferred for Expedited Settlement: \$3,720

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$14,880

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2011

Executive Summary – Enforcement Matter – Case No. 45336

Greif Packaging LLC

RN102079662

Docket No. 2012-2201-AIR-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: September 27, 2012

Date(s) of NOE(s): October 17, 2012

Violation Information

1. Failed to submit the semi-annual deviation reports no later than 30 days after the end of the reporting period. Specifically, the deviation report for the period of June 15, 2011 through December 14, 2011 was due by January 13, 2012, but was not submitted until January 30, 2012, and the deviation report for the period of December 15, 2011 through June 14, 2012 was due by July 14, 2012, but was not submitted until September 27, 2012 [30 TEX. ADMIN. CODE §§ 122.145(2)(C) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit ("FOP") No. O-3107, General Terms and Conditions].

2. Failed to submit the permit compliance certifications ("PCCs") no later than 30 days after the end of the certification period. Specifically, the PCC for the period of June 15, 2011 through December 14, 2011 was due by January 13, 2012, but was not submitted until January 31, 2012, and the PCC for the period of December 15, 2011 through June 14, 2012 was due by July 14, 2012, but was not submitted until September 27, 2012 [30 TEX. ADMIN. CODE §§ 122.146(2) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and FOP No. O-3107, General Terms and Conditions].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require Respondent to:

a. Within 30 days, implement measures to ensure that all deviation reports and PCCs are submitted completely and timely; and

b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

Executive Summary – Enforcement Matter – Case No. 45336
Greif Packaging LLC
RN102079662
Docket No. 2012-2201-AIR-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Rajesh Acharya, Enforcement Division,
Enforcement Team 4, MC 149, (512) 239-0577; Debra Barber, Enforcement Division,
MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: Scott Mounts, EHS Manager- North America, Greif Packaging LLC, 366
Greif Parkway, Delaware, Ohio 43015

Wayde G. Heigel, Vice President/GM Southwest-West Region, Greif Packaging LLC, 366
Greif Parkway, Delaware, Ohio 43015

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	22-Oct-2012	Screening	30-Oct-2012	EPA Due	14-Jul-2013
	PCW	30-Oct-2012				

RESPONDENT/FACILITY INFORMATION

Respondent	Greif Packaging LLC		
Reg. Ent. Ref. No.	RN102079662		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	45336	No. of Violations	2
Docket No.	2012-2201-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rajesh Acharya
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$15,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	24.0% Enhancement	Subtotals 2, 3, & 7	\$3,600
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Notes

Enhancement for one agreed order with denial of liability and two NOV's with dissimilar violations.

Culpability

No

0.0%

Enhancement

Subtotal 4

\$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments

Subtotal 5

\$0

Economic Benefit

0.0% Enhancement*

Subtotal 6

\$0

Total EB Amounts

\$81

Approx. Cost of Compliance

\$1,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal

\$18,600

OTHER FACTORS AS JUSTICE MAY REQUIRE

0.0%

Adjustment

\$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

\$18,600

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

\$18,600

DEFERRAL

20.0%

Reduction

Adjustment

-\$3,720

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$14,880

Screening Date 30-Oct-2012

Docket No. 2012-2201-AIR-E

PCW

Respondent Greif Packaging LLC

Policy Revision 3 (September 2011)

Case ID No. 45336

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102079662

Media [Statute] Air

Enf. Coordinator Rajesh Acharya

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 24%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one agreed order with denial of liability and two NOVs with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 24%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 24%

Screening Date 30-Oct-2012

Docket No. 2012-2201-AIR-E

PCW

Respondent Greif Packaging LLC

Policy Revision 3 (September 2011)

Case ID No. 45336

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN102079662

Media [Statute] Air

Enf. Coordinator Rajesh Acharya

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 122.145(2)(C) and 122.143(4), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit No. O-3107, General Terms and Conditions

Violation Description

Failed to submit the semi-annual deviation reports no later than 30 days after the end of the reporting period. Specifically, the deviation report for the period of June 15, 2011 through December 14, 2011 was due by January 13, 2012, but was not submitted until January 30, 2012, and the deviation report for the period of December 15, 2011 through June 14, 2012 was due by July 14, 2012, but was not submitted until September 27, 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes

The Respondent failed to meet 100% of the rule requirement.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2

258 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$7,500

Two single events are recommended, one for each report.

Good Faith Efforts to Comply

0.0% Reduction

\$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$41

Violation Final Penalty Total \$9,300

This violation Final Assessed Penalty (adjusted for limits) \$9,300

Economic Benefit Worksheet

Respondent Greif Packaging LLC

Case ID No. 45336

Reg. Ent. Reference No. RN102079662

Media Air

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	13-Jan-2012	27-Aug-2013	1.62	\$41	n/a	\$41

Notes for DELAYED costs

Estimated cost to implement measures to ensure timely submittal of deviation reports. The Date Required is the date the first deviation report was due. The Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$41

Screening Date 30-Oct-2012
Respondent Greif Packaging LLC
Case ID No. 45336
Reg. Ent. Reference No. RN102079662
Media [Statute] Air
Enf. Coordinator Rajesh Acharya
Violation Number 2

Docket No. 2012-2201-AIR-E

PCW

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

Rule Cite(s) 30 Tex. Admin. Code §§ 122.146(2) and 122.143(4), Tex. Health & Safety Code § 382.085(b), and Federal Operating Permit No. O-3107, General Terms and Conditions

Violation Description

Failed to submit the permit compliance certifications ("PCCs") no later than 30 days after the end of the certification period. Specifically, the PCC for the period of June 15, 2011 through December 14, 2011 was due by January 13, 2012, but was not submitted until January 31, 2012, and the PCC for the period of December 15, 2011 through June 14, 2012 was due by July 14, 2012, but was not submitted until September 27, 2012.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 15.0%

Matrix Notes

The Respondent failed to meet 100% of the rule requirement.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2

258 **Number of violation days**

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$7,500

Two single events are recommended, one for each certification.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$41

Violation Final Penalty Total \$9,300

This violation Final Assessed Penalty (adjusted for limits) \$9,300

Economic Benefit Worksheet

Respondent Greif Packaging LLC

Case ID No. 45336

Reg. Ent. Reference No. RN102079662

Media Air

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	13-Jan-2012	27-Aug-2013	1.62	\$41	n/a	\$41

Notes for DELAYED costs

Estimated cost to implement measures to ensure timely submittal of the PCCs. The Date Required is the date the first PCC was due. The Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$41



Compliance History Report

PUBLISHED Compliance History Report for CN602738296, RN102079662, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN602738296, Greif Packaging LLC

Classification: SATISFACTORY

Rating: 1.74

Regulated Entity: RN102079662, GREIF INDUSTRIAL HOUSTON SPECIALTY FACILITY

Classification: SATISFACTORY

Rating: 2.86

Complexity Points: 11

Repeat Violator: NO

CH Group: 14 - Other

Location: 10700 STRANG RD LA PORTE, TX 77571-9731, HARRIS COUNTY

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG12210

AIR OPERATING PERMITS PERMIT 3106

AIR OPERATING PERMITS PERMIT 3107

AIR OPERATING PERMITS PERMIT 3106

AIR OPERATING PERMITS PERMIT 3107

WASTEWATER PERMIT WQ0013949001

WASTEWATER EPA ID TX0008001

STORMWATER PERMIT TXR05AH36

AIR NEW SOURCE PERMITS PERMIT 39946

AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG12210

AIR NEW SOURCE PERMITS AFS NUM 4820101271

AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG12210

POLLUTION PREVENTION PLANNING ID NUMBER P00285

Compliance History Period: September 01, 2007 to August 31, 2012

Rating Year: 2012

Rating Date: 09/01/2012

Date Compliance History Report Prepared: November 29, 2012

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: November 29, 2007 to November 29, 2012

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Rajesh Acharya

Phone: (512) 239-0577

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If YES for #2, who is the current owner/operator? N/A
- 4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 03/12/2009 ADMINORDER 2008-1416-AIR-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

30 TAC Chapter 122, SubChapter B 122.146(2)

5C THSC Chapter 382 382.085(b)

Rqmt Prov: O-02441 OP

Description: As a result of Office Annual Compliance Certification Investigation No. 700963 conducted August 25, 2008, the Texas Commission on Environmental Quality (TCEQ) Houston Regional Office determined that Greif Inc. failed to submit an annual compliance certification for the period of March 31, 2007 through March 30, 2008 within the required time frame.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	January 30, 2008	(543379)
Item 2	June 09, 2008	(690135)
Item 3	August 06, 2008	(710922)
Item 4	September 15, 2008	(710921)
Item 5	December 08, 2008	(727619)
Item 6	March 16, 2009	(750433)
Item 7	April 23, 2009	(750434)
Item 8	June 24, 2009	(805105)
Item 9	August 13, 2009	(747373)
Item 10	August 24, 2009	(805107)
Item 11	September 10, 2009	(805109)
Item 12	October 13, 2009	(805110)
Item 13	November 16, 2009	(805111)
Item 14	January 08, 2010	(805112)
Item 15	May 03, 2010	(805104)
Item 16	September 10, 2010	(873957)
Item 17	October 25, 2010	(881555)
Item 18	November 22, 2010	(888075)
Item 19	December 30, 2010	(896300)
Item 20	March 21, 2011	(916393)
Item 21	April 20, 2011	(924913)
Item 22	May 19, 2011	(938079)
Item 23	June 27, 2011	(945451)
Item 24	July 22, 2011	(952675)
Item 25	August 29, 2011	(959362)
Item 26	September 23, 2011	(965393)
Item 27	October 25, 2011	(971434)
Item 28	November 29, 2011	(977590)
Item 29	January 31, 2012	(990656)
Item 30	March 08, 2012	(998021)
Item 31	March 21, 2012	(1003546)
Item 32	April 17, 2012	(1010112)
Item 33	May 10, 2012	(1016502)
Item 34	June 11, 2012	(1024225)
Item 35	July 12, 2012	(1031617)
Item 36	August 20, 2012	(1037994)
Item 37	September 12, 2012	(1046731)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	02/17/2012	(952362)	CN602738296
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) FOP O-03106 STC 5 OP NSR 39946 SC 14F PERMIT		
	Description:	Failure to conduct monthly Audio Visual and Olfactory (AVO) inspections. (Category B1)		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 116, SubChapter B 116.115(c) 30 TAC Chapter 122, SubChapter B 122.143(4) 5C THSC Chapter 382 382.085(b) SC 14E PERMIT		

Published Compliance History Report for CN602738296, RN102079662, Rating Year 2012 which includes Compliance History (CH) components from November 29, 2007, through November 29, 2012.

Description: STC 5 OP
Failure to continuously record the combustion temperature of S-03-RTO in March 2011.
(Category B1)

2 Date: 04/20/2012 (988559) CN602738296
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
ELMR PERMIT
Operational Requirements PERMIT
Description: Failed to provide an accessible sampling point.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(19)
Description: Failed to accurately complete the discharge monitoring reports (DMRs).

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
GREIF PACKAGING LLC
RN102079662**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2012-2201-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Greif Packaging LLC ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a steel drum manufacturing plant at 10700 Strang Road in La Porte, Harris County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 22, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount Eighteen Thousand Six Hundred Dollars (\$18,600) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Fourteen Thousand Eight Hundred Eighty Dollars (\$14,880) of the administrative penalty and Three Thousand Seven

Hundred Twenty Dollars (\$3,720) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the Respondent is alleged to have:

1. Failed to submit the semi-annual deviation reports no later than 30 days after the end of the reporting period, in violation of 30 TEX. ADMIN. CODE §§ 122.145(2)(C) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit No. O-3107, General Terms and Conditions, as documented during an investigation conducted on September 27, 2012. Specifically, the deviation report for the period of June 15, 2011 through December 14, 2011 was due by January 13, 2012, but was not submitted until January 30, 2012, and the deviation report for the period of December 15, 2011 through June 14, 2012 was due by July 14, 2012, but was not submitted until September 27, 2012.
2. Failed to submit the permit compliance certifications ("PCCs") no later than 30 days after the end of the certification period, in violation of 30 TEX. ADMIN. CODE §§ 122.146(2) and 122.143(4), TEX. HEALTH & SAFETY CODE § 382.085(b), and Federal Operating Permit No. O-3107, General Terms and Conditions, as documented during an investigation conducted on September 27, 2012. Specifically, the PCC for the period of June 15, 2011 through December 14, 2011 was due by January 13, 2012, but was not submitted until January 31, 2012, and the PCC for the period of December 15, 2011 through June 14, 2012 was due by July 14, 2012, but was not submitted until September 27, 2012.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Greif Packaging LLC, Docket No. 2012-2201-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, implement measures to ensure that all deviation reports and PCCs are submitted completely and timely; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature

could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Randy Danner Jr.
For the Executive Director

3/3/13
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Wayde G. Heigel
Signature

1-3-13
Date

Wayde G. Heigel
Name (Printed or typed)
Authorized Representative of
Greif Packaging LLC

Vice President / GM Southwest West
Title
Region

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.